

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF NEW MEXICO**

**DAVID J. ATENCIO,**

**Plaintiff,**

**v.**

**No. 13-cv-1078 KG/SMV**

**S. NEW MEXICO CORR. FACILITY,  
CORIZON HEALTH, JAMES KACZMAREK,  
SANTIAGO LERMA, CHUCK EVANS,  
CHRIS BARELA, and KELLI MARABLE,**

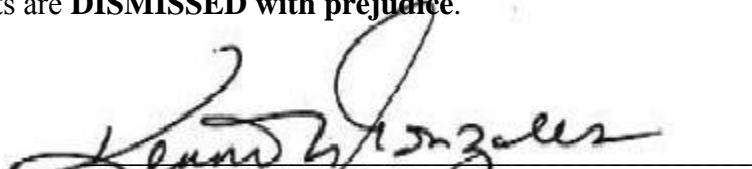
**Defendants.<sup>1</sup>**

**ORDER ADOPTING MAGISTRATE JUDGE'S  
PROPOSED FINDINGS AND RECOMMENDED DISPOSITION**

THIS MATTER is before the Court on the Magistrate Judge's Proposed Findings and Recommended Disposition [Doc. 36] ("PF&RD"), issued on May 29, 2015. On reference by the undersigned, [Doc. 10], the Honorable Stephan M. Vidmar, United States Magistrate Judge, found that the facts alleged in Plaintiff's Second Amended Civil Rights Complaint Pursuant to 42 U.S.C. § 1983 [Doc. 8], even if true, do not amount to any constitutional violation. [Doc. 36]. Thus, he recommended that Plaintiff's claims against all Defendants be dismissed with prejudice. *Id.* at 11. No party has objected to the PF&RD, and the time for doing so has passed.

**IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED** that the Magistrate Judge's Proposed Findings and Recommended Disposition [Doc. 36] are **ADOPTED**, and Plaintiff's claims against all Defendants are **DISMISSED with prejudice**.

IT IS SO ORDERED.

  
UNITED STATE DISTRICT JUDGE

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<sup>1</sup> Defendants Southern New Mexico Correctional Facility and Corizon Health were dismissed from this action on April 4, 2014. [Doc. 13]. Only Defendants Kaczmarek, Lerma, Evans, Barela, and Marable remain.